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December 5, 2008

Writer's Direct Contact
(858) 720-5117
PChen@mofo.com

Via Express Mail

Examiner Jacob Cheu
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

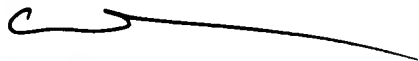
Re: U.S. Patent Application Serial No. 10/617,489
For: METHODS, KITS AND ANTIBODIES FOR DETECTING
PARATHYROID HORMONE
By: Thomas L. CANTOR et al.
Our Reference: 53221-20006.23

Dear Examiner Cheu:

Pursuant to your request, enclosed for your review and consideration is a copy of the Petition to Expunge and accompanying documents as initially filed on September 30, 2008 with regard to the above-referenced application.

If you have any questions or comments, please contact us.

Very truly yours,



Peng Chen

PC/db
Enclosures

Cc: Thomas L. Cantor (without enclosures)

sd-452966

I hereby certify that this paper is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 847894453 US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 29, 2008

Signature: _____

(Anthony Matson)

Patent

Docket No. 532212000623

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Thomas L. CANTOR et al.

Serial No.: 10/617,489

Filing Date: July 10, 2003

For: METHODS, KITS AND ANTIBODIES
FOR DETECTING PARATHYROID
HORMONE

Examiner: C. Cheu

Group Art Unit: 1641

PETITION TO EXPUNGE INFORMATION
UNDER 37 C.F.R. § 1.59 (b)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.59(b) and MPEP § 724, Applicants hereby petition the Commissioner to have the 28 documents submitted in the above-identified application with the Supplemental Information Disclosure Statement filed under MPEP § 724.02 on September 29, 2008 expunged upon allowance, issue, or abandonment of this application.

Pursuant to MPEP § 724.05(A) and (B), Applicants believe expungement of the information is appropriate for document numbers 1-28 listed on the attached Form PTO/SB/08a/b because they are **SUBJECT TO PROTECTIVE ORDER**. The documents are from *Scantibodies Laboratory, Inc. v. Immunotopics, Inc.*, from the U.S.D.C. for the Central District of California, Case No. CV04-08871 MRP (MANx), now appealed as Case No. 2008-1522 at the United States Court of Appeals for Federal Circuit. These documents have not otherwise been made public.

Applicants acknowledge that upon the grant of this petition and return of the documents that are **SUBJECT TO PROTECTIVE ORDER** (document numbers 1-28 on the attached Form PTO/SB/08a/b), Applicants will preserve the documents for the entire term of the patent in accordance with MPEP § 724.05 (C). Please return the documents to the undersigned upon allowance, issue, or abandonment of this application.


Pursuant to MPEP § 725.05 (D), Applicants hereby state that this petition is being submitted by, or on the behalf of, the party in interest who originally submitted the information.

Pursuant to MPEP § 725.05 (E), the Commissioner is hereby authorized to charge the required fee under 37 C.F.R. § 1.17(g) for a petition under 37 C.F.R. § 1.59(b) to **Deposit Account No. 03-1952** referencing docket no. 532212000623. Fee Transmittal (form PTO/SB/17p) is attached in duplicate.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 532212000623.

Dated: September 29, 2008

Respectfully submitted,

By 
Peng Chen
Registration No.: 43,543
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858)720-5117



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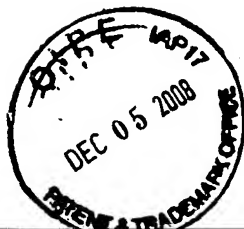
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Atty Docket No.: 532212000623

Inventor: Thomas L. CANTOR et al.

Application No.: 10/617,489

Filing Date: July 10, 2003

Title: METHODS, KITS AND ANTIBODIES FOR DETECTING PARATHYROID HORMONE

Documents Filed:

Transmittal (1 page)

Petition Fee (1 page)

Petition to Expunge Information (2 pages)

Supplemental Information Disclosure Statement (3 pages)

Form PTO/SB/08A/B (2 page + duplicate)

References (28)

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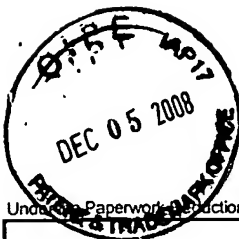


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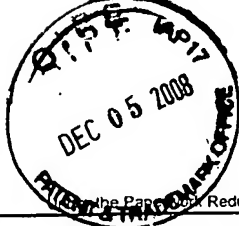
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/617,489	
	Filing Date	July 10, 2003	
	First Named Inventor	Thomas L. CANTOR	
	Art Unit	1641	
	Examiner Name	C. Cheu	
Total Number of Pages in This Submission	11	Attorney Docket Number	532212000623

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP		
Signature			
Printed name	Peng Chen		
Date	September 29, 2008	Reg. No.	43,543

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Dated: September 29, 2008	Signature: (Anthony Matson)



PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	Application Number	10/617,489
	Filing Date	July 10, 2003
	First Named Inventor	Thomas L. CANTOR
	Art Unit	1641
	Examiner Name	C. Cheu
	Attorney Docket Number	532212000623

Enclosed is a petition filed under 37 CFR 1.59 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 200.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

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Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) – for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463


For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

 _____ Signature Peng Chen _____ Typed or printed name	<u>September 29, 2008</u> _____ Date 43,543 _____ Registration No., if applicable
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